

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

IN RE:) Bankruptcy Case No. 12-50986
) Chapter 7
CHARLES ANDREW CAPUTO,)
)
Debtor.)

**MOTION TO SELL THE BANKRUPTCY ESTATE'S INTEREST IN
PIT ENTERTAINMENT, LLC**

The Trustee, Barrett L. Crawford, respectfully moves the Court pursuant to 11 U.S.C. §§ 105 and 363 and Rules 6004 and 9014 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), to enter an order authorizing the Trustee to sell to Donald S. Towne the Bankruptcy Estate's interest in Pit Entertainment, LLC for the amount of \$15,000.00. In support of this motion (the "Motion"), the Trustee states as follows:

1. The Debtor filed his voluntary Chapter 7 bankruptcy petition on September 28, 2012. Barrett L. Crawford is the duly appointed, qualified and acting Trustee of the Chapter 7 case of the Debtor.
2. The Trustee brings this Motion pursuant to Sections 105 and 363 of the Bankruptcy Code and Bankruptcy Rules 6004 and 9014.
3. The Court has jurisdiction over the Motion pursuant to 28 U.S.C. § 1334(b). The Motion is a core proceeding under 28 U.S.C. § 157(b)(2)(A), (M), (N) and (O).
4. At the time of the filing of the bankruptcy petition, the Debtor had a twenty percent interest in Pit Entertainment, LLC, a North Carolina limited liability company (the "Property").
5. Subject to the Courts approval, the Trustee has agreed to sell the Property to Donald S. Towne for the sum of FIFTEEN THOUSAND DOLLARS (\$15,000.00) (the "Purchase Price"), with the first \$9,000.00 of the Purchase Price to be paid within fifteen (15) days of entry of an Order by the Court approving this Motion and the remaining \$6,000 of the Purchase Price will be paid in twelve monthly payments of \$500.00 each beginning January 1, 2014. A true and accurate copy of the sale contract is attached hereto as Exhibit A and incorporated herein.

6. The sale of the Property will be free and clear of all liens, with liens, if any, and interests to attach to the proceeds of sale. The sale shall be AS IS, WHERE IS, AND WITHOUT WARRANTY.

7. In the opinion of the Trustee, the sale of the Property as set forth herein is in the best interest of the bankruptcy estate and its creditors.

WHEREFORE, the Trustee prays the Court that it authorize the Trustee to sell to Donald S. Towne the Bankruptcy Estate's interest in Pit Entertainment, LLC for the amount of \$15,000.00, and for such other and further relief as the Court deems just and proper.

DATED this 22nd day of December, 2014.

/s/ John W. Taylor
John W. Taylor, Bar No. 21378
Attorney for the Trustee
John W. Taylor, P.C.
4600 Park Road, Suite 420
Charlotte, NC 28209
(704) 540-3622

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have served a copy of the MOTION TO SELL THE BANKRUPTCY ESTATE'S INTEREST IN PIT ENTERTAINMENT, LLC by either Electronic Case Filing as indicated or depositing copies of same in the exclusive care and custody of the United States Postal Service, with proper postage thereto affixed to the below listed parties this 22nd day of December, 2014.

David R. Badger
Attorney for Debtor

Via Electronic Case Filing

Benjamin C. Karb
Moretz & Skufca, PLLC
37 Union Street South, Suite B
Concord, NC 28025
Attorney for Donald S. Towne

Linda Simpson
Bankruptcy Administrator
402 West Trade Street, Suite 200
Charlotte, NC 28202

/s/ John W. Taylor
John W. Taylor, Bar No. 21378
Attorney for the Trustee
John W. Taylor, P.C.
4600 Park Road, Suite 420
Charlotte, NC 28209
(704) 540-3622